

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN BROWNLEE,

Plaintiff,

v.

J. BURNES, K. CLARK, M. RIVERA, P.
RODRIGUEZ, and J.J. FLORES,

Defendants.

Case No. 1:23-cv-00376- HBK (PC)

ORDER GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME

(Doc. No. 13)

OCTOBER 2, 2023 DEADLINE

Pending before the Court is Plaintiff Benjamin Brownlee's Motion for Extension of Time constructively filed on August 1, 2023.¹ (Doc. No. 13). Plaintiff seeks a 60-day extension of time to file a response to the Court's June 30, 2023, Order to Show Cause (Doc. No. 12). Plaintiff asserts he needs additional time because he had surgery to his dominant hand and is unable to hand write his motions, he does not currently have his legal property, and he is scheduled for transfer to New York for an out of state court hearing. (*Id.* at 1).

The Court may grant an extension of time "with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." Fed. R. Civ. P.

¹ Although docketed on August 7, 2023, the Court affords Plaintiff, a prisoner, the benefit of the mailbox rule and deems the motions filed on the date he certifies he delivered to motions correctional officials for mailing.

1 6(b)(1)(A). The Court finds good cause to grant the requested extension. Plaintiff must deliver his
2 response to the Order to Show Cause to correctional officials no later than October 2, 2023.

3 Accordingly, it is hereby **ORDERED**:

- 4 1. Plaintiff's motion for extension of time (Doc. No. 13) is GRANTED to the extent
5 Plaintiff must deliver his response to the Court's June 30, 2023 Order to Show Cause
6 to correctional officials for mailing no later than October 2, 2023.
- 7 2. If Plaintiff fails to timely respond, the undersigned will recommend the district court
8 dismiss this action for the reasons set forth in the June 30, 2023 Order and/or for
9 Plaintiff's failure to comply with a court order and/or prosecute this action.

10
11 Dated: August 8, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE